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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,289	06/28/2002	Charles Edward Kuhlmann	RAL920010029	4433

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IBM CORPORATION
PO BOX 12195
DEPT 9CCA, BLDG 002
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,289

Applicant(s)

KUHLMANN ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/08/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/28/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 9/21/2004 has been entered.

Claim 14 is canceled. Claims 1-13 and 15-20 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharp U.S. Patent No. 6,263,317.

Referring to claim 1. Sharp discloses a method of optimizing a product order where the product includes at least one customer-selectable component, the method comprising the steps:

- Receiving the product order (column 5, lines 23-43);
- Determining component information of the at least one customer-selectable component included in the product of the received product order, the component information including component availability in real-time by querying a manufacturer system and, in response to a component being unavailable at the manufacturer, querying at least one supplier system in real time that can supply the component to the manufacturer (column 5, lines 23-43); and

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- Offering the customer at least one order option in real time based on a result of the determination (column 5, lines 44-55: "...or it is determined that all distributors are out of stock of the ordered product.").

Sharp discloses a method wherein a manufacturer's inventory is checked in stage **430** to determine whether the manufacturer can fill an order in stage **435**, in which case operation **400** processes to stage **475**. Otherwise, the inventory of an alternative supplier is checked in stage **440** and stages **435** and **440** are repeated until a supplier with available inventory is located or it is determined that all suppliers are out of stock for the ordered product.

Referring to claim 2. Sharp further discloses a method wherein the component information includes at least one of: cost of an alternative component, component delivery lag time to the manufacturer if the component is only available from a supplier, and product delivery lag time and cost for different manufacturing sites (column 5, lines 44-55).

Referring to claim 3. Sharp further discloses a method wherein the at least one option is selected from the group comprising: offering the customer an alternate component, removing a component from the order, selecting a manufacturing site, and ignoring the at least one option (column 5, lines 56-63: "custom protocol").

Referring to claim 4. Sharp further discloses a method comprising determining an appropriate supplier that can fulfill an order for a component that

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is unavailable at the manufacturer, and placing an order for the unavailable component with a system of the appropriate supplier (column 5, lines 23-43).

Referring to claim 5. Sharp further discloses a method comprising the step of scheduling at least one of a product delivery schedule and a component delivery schedule with a shipper system (column 5, lines 5-17).

Referring to claim 6. Sharp further discloses a method comprising the step of determining an available manufacturing site based on at least one site factor (column 5, lines 23-43).

Referring to claim 7. Sharp further discloses a method wherein the at least one site factor is selected from the group comprising: cost, component selected, proximity of a required supplier to a manufacturing site, proximity of a manufacturing site to a customer ship-to location, a manufacturing site capacity, and existing component inventory at a manufacturing site (column 5, lines 23-43).

Referring to claim 8. Sharp further discloses a method comprising the step of confirming at least one of customer product fulfillment conditions, supplier order and ship information, and shipper scheduling (column 4, lines 29-55).

Referring to claim 9. Sharp discloses a computer program product comprising a computer useable medium having computer readable program code embodied therein for optimizing a product order where the product includes at least one customer-selectable component, the program product comprising:

- Program code configured to receive the product order (column 5, lines 23-43);

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- Program code configured to determine component information of the at least one customer-selectable component included in the product of the product order, the component information including component availability in real-time by querying a manufacturer system and, in response to a component being unavailable at the manufacturer, querying at least one supplier system in real time that can supply the component to the manufacturer (column 5, lines 23-43);
- Program code configured to offer the customer at least one order option in real time based on a result of the determination (column 5, lines 23-43); and
- Program code configured to allow the customer to choose an available manufacturing site based on at least one site factor (column 5, lines 44-55: "Stage 445 determines whether the order is to be allocated to a distributor according to zip code or other geo-based allocation scheme.").

Referring to claims 10-13 and 15-16. Claims 10-13 and 15-16 are rejected under the same rationale as set forth above in claims 2-8.

Referring to claims 17-20. Claims 17-20 are rejected under the same rationale as set forth above in claims 2-8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson et al., U.S. Patent No. 6,324,522 B2, November 27, 2001, discloses an electronic information network for inventory control and transfer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
December 20, 2004
